

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: September 23, 2009

CALLED TO ORDER: 5:38 p.m.

ADJOURNED: 5:55 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Vernon Brown
Bob Cockrum
Benjamin Hunter
Mary Moriarty Adams
William Oliver
Marilyn Pfisterer
Christine Scales

Absent Members

AGENDA

PROPOSAL NO. 357, 2009 - appoints Jason Reyome to the Community Corrections Advisory Board
"Do Pass" Vote: 8-0

PROPOSAL NO. 358, 2009 - appoints William Gooden to the Animal Care and Control Board
"Do Pass" Vote: 8-0

PROPOSAL NO. 294, 2009 - amends the Code to clarify provisions regarding the Indianapolis Fire Department and to reflect the prevailing operation of the department
"Do Pass as Amended" Vote: 8-0

PROPOSAL NO. 359, 2009 - amends the Code to adopt a new chapter requiring permits for funeral and other escorted vehicular processions
"Tabled" Vote: 8-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, September 23, 2009. Chair Ryan Vaughn called the meeting to order at 5:38 p.m. with the following members present: Vernon Brown, Bob Cockrum, Benjamin Hunter, Mary Moriarty Adams, William Oliver, Marilyn Pfisterer and Christine Scales. Representing Council staff were Robert Elrod, General Counsel; James Steele, Chief Financial Officer (CFO); and Aaron Haith, Minority Counsel.

PROPOSAL NO. 359, 2009 - amends the Code to adopt a new chapter requiring permits for funeral and other escorted vehicular processions

Councillor Hunter said he would like to continue working with Mr. Elrod and Corporation Counsel on this proposal. He moved, seconded by Councillor Brown, to "Table" Proposal No. 359, 2009. The motion carried by a vote of 8-0.

PROPOSAL NO. 357, 2009 - appoints Jason Reyome to the Community Corrections Advisory Board

Mr. Reyome said that he recently lost a contract with the Public Defender Agency, where he was defending individuals accused of violating Community Corrections Violation of Probation rules due to budget cuts. He said he worked in that capacity for eight years, has had a lot of experience working directly with Community Corrections, and has seen both sides of the fence. Mr. Reyome said he has also had some opportunities to sit as a former Judge Pro Tem, where he had to adjudicate Community Corrections hearings. He said he appreciates this opportunity to now serve.

Councillor Cockrum said this appointment is only through December of this year, and reappointment would have to be considered at the beginning of next year. Chair Vaughn said this appointment is to replace Judge Lisa Borges, who recently extended her resignation.

Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 357, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 358, 2009 - appoints William Gooden to the Animal Care and Control Board

Mr. Gooden said that he has always had an interest and an involvement with animals, as he has experience with training and breeding dogs. He said he and his family have a keen interest in public safety issues and issues involving the community. He said he feels this is an excellent opportunity for him to serve on the board and to contribute to public safety and community issues.

Councillor Pfisterer asked if Mr. Gooden is familiar with Doug Rae's, Animal Care and Control (ACC) Director, efficiencies and the things that he is working to put into place. Mr. Gooden answered in the negative.

Chair Vaughn said this position will fill a vacancy created by the resignation of Lisa Tudor. He said participation on this board can sometimes be a very demanding process, and they wanted to ensure that this position would be filled by someone who is willing to commit the time and has the ability to endure all of the needs of ACC. Chair Vaughn said that he previously worked with Mr. Gooden and was happy to hear that he was willing to serve.

Councillor Oliver asked if Mr. Gooden is aware of what he is getting into. Mr. Gooden answered that he believes so, as he understands that this is an important position that involves a high level of responsibility

of requiring pet owners to be responsible for the good and safety of the community. Councillor Oliver said that he is concerned that oftentimes the issues that ACC faces need immediate attention.

Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, to forward Proposal No. 358, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 294, 2009 - amends the Code to clarify provisions regarding the Indianapolis Fire Department and to reflect the prevailing operation of the department

Chief Brian Sanford, Indianapolis Fire Department (IFD), said they have worked to resolve the issues that were discussed at the last Committee meeting. He said one of the issues was in reference to Section G, which put language in to allow Captains to maintain Battalion Chief positions until they successfully complete the promotional process. He said this allowance has been a result of merger agreements. He said he believes that there was some confusion on the intent of this particular allowance, and they worked with Corporation Counsel and decided that it was not necessary to include it in the proposal. He said they therefore, took that language out of the amendment (attached as Exhibit A).

Chief Sanford said Mr. Elrod also voiced a concern with the holidays not being listed in the amendment, so those dates have been added back. In addition, Mr. Elrod voiced a concern with the language about redistricting that needs to be changed as a result of the mergers. Chief Sanford said there is some continuing discussion on the redistricting language, but it has been taken out of the current version of the amendment. He said a different proposal may come back before the Council to address the redistricting issues. Chief Sanford said he believes that the current proposed amendment (Exhibit A) satisfies all of the concerns that were voiced.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to "Amend" Proposal No. 294, 2009 as described in Exhibit A. The motion carried by a vote of 8-0.

Councillor Oliver asked if Chief Sanford would make the appointments of the Battalion Chiefs after they go through the promotional process. Chief Sanford answered in the negative and stated that he would make recommendations, but the promotions would actually be approved by the Merit Board.

Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 294, 2009 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 8-0.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 5:55 p.m.

Respectfully submitted,



Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee

MOTION TO AMEND
Proposal No. 294, 2009

Mr. Chairman:

I respectfully move to amend Proposal No. 294, 2009 in three (3) respects, as follows.

Councillor

I.

SECTION 1 of the Proposal shall be and hereby is amended by the substitution of a NEW Section 252-103 for that which appears in SECTION 1, to read as follows:

Sec. 252-103. Chief.

(a) The director of ~~public safety~~ shall appoint a chief of the Indianapolis ~~Fire Department~~. The director shall have the authority to remove the chief only with the approval of the board of public safety.

(b) The chief may be selected from members of the department who hold the permanent merit rank of captain or above on the basis of prior training and experience, and shall have a minimum of ten (10) years of service with the department, which time period shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the Indianapolis ~~Fire Department~~.

(c) The chief may be selected from past members of the Indianapolis ~~Fire Department~~ or from members or past members of a fire department other than the Indianapolis ~~Fire Department~~ only if he or she has:

(1) Met the following educational requirements:

- a. A bachelor's or master's degree from an accredited institution of higher education in fire science, management, public administration or a related field; or;
- b. A bachelor's degree from an accredited institution of higher education in a non-related field; and
 - i. An associate's degree in fire science; or
 - ii. An executive fire officer designation from the National Fire Academy or its successor institution;

(2) Attained fire officer I and fire officer II certification;

- (3) At least ten (10) years' experience in a fire department of a city with a population of one hundred thousand (100,000) or more in Indiana, another state, or the District of Columbia; and
- (4) Achieved the merit rank of captain (or its equivalent) or above.

(d) The chief shall have general charge of the daily operations of the department and may, with the approval of the director of the department of public safety, appoint any number of executive assistants, who shall hold the temporary rank and title of assistant chief, deputy chief, or division chief or shift commander, as he or she deems necessary to allow him to efficiently discharge his or her executive duties. The chief shall select these executive assistants from among those holding the permanent merit rank of captain or above in the department. The appointed ranks of assistant chief, deputy chief, and division chief and shift commander shall be temporary, and each executive assistant shall retain his or her permanent merit rank, unless promoted in accordance with the merit system. The chief may temporarily appoint and assign sworn members of the department to a higher pay grade lieutenant, captain, or battalion chief in the non-suppression division when such, and such member's pay grade is shall be commensurate with the duties and qualifications required of the member. Such assignment shall have no effect on the merit rank of the member.

II.

SECTION 1 of the Proposal shall be and hereby is amended by the substitution of a NEW Section 252-206 for that which appears in SECTION 1, to read as follows:

Sec. 252-206. Merit promotion system.

(a) There shall be a merit promotion system which that shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and battalion chief. It shall not apply to the appointment of the chief by the director or to the appointment of assistant chief, deputy chiefs, and division chiefs and shift commanders by the chief. Within the limits of this Code, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the Indianapolis fire department:

- (1) ~~Private to lieutenant~~ Private to lieutenant: To be eligible for promotion to the rank of lieutenant, an individual must have completed five (5) years of continuous service as a sworn member of the department, which time period shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the Indianapolis Fire Department.
- (2) ~~Lieutenant to captain~~ Lieutenant to captain: To be eligible for promotion to the rank of captain, an individual must have served two (2) years in the rank of lieutenant.
- (3) ~~Captain to battalion chief~~ Captain to battalion chief: To be eligible for promotion to the rank of battalion chief, an individual must have served two (2) years in the rank of captain.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. However, if an officer is demoted, no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The merit board, in conjunction with the chief of the department, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Promotions shall be made by the chief of the department with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief and designated to be filled by the chief and the director of public safety. In making final selections for promotion, the chief shall promote the candidate who, in the opinion of the chief and merit board, is best qualified for the position based on such considerations as cumulative score on the merit selections procedures, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all Indianapolis Fire Department work sites and a copy provided to the public safety committee of the city-county council prior to the inception of the process.

(e) All promotions to the ranks of lieutenant, captain and battalion chief shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities. Any member of the department who, personally or through any other person, solicits any member of the merit board to favor his or her promotion shall be thereby rendered ineligible for any such promotion.

(f) There shall be no acting ranks; in the suppression division; however, in instances in which the officer assigned to an apparatus or station is temporarily absent due to illness, vacation, training or other reason, a firefighter may be temporarily assigned to fulfill the responsibilities of the absent officer.

III.

SECTION 1 of the Proposal shall be and hereby is amended by the substitution of a NEW Section 252-301 and a NEW Section 252-302 for those which appears in SECTION 1, to read as follows:

Sec. 252-301. Holidays; additional pay.

(a) *Suppression division.* ~~(1) Additional pay for working on a holiday. Because of the nature of the work of the members of the Indianapolis Fire Department, members assigned to the suppression division are often required in the regular rotation of their duties to work on the following holidays, when other~~

citizens are free from the duties of their employment, to-wit:

New Year's Day	Independence Day
Presidents Day	Labor Day
Martin Luther King Day	Veterans Day
Easter Sunday	Thanksgiving Day
Memorial Day	Christmas Day
Discovery Day	

Because of the increased pressures of the work of the fire force department and the around-the-clock requirements for those in members of the suppression division, it is deemed by this city-county the council that they shall be granted hereby grants to such members additional pay of one hundred dollars (\$100.00) per day in accordance with the collective bargaining agreement between the city and the Indianapolis Metropolitan Professional Fire Fighters, Local 416 for working on any of the eleven (11) listed following holidays:

- (1) New Year's Day;
- (2) Martin Luther King Day (third Monday of January);
- (3) Presidents Day (third Monday of February);
- (4) Easter Sunday;
- (5) Memorial Day;
- (6) Independence Day;
- (7) Labor Day;
- (8) Columbus Day;
- (9) Veterans Day;
- (10) Thanksgiving Day; and
- (11) Christmas Day.

(b) Administration Non-suppression division. (1) ~~Holidays designated.~~ Sworn mMembers of the administration non-suppression division of the department shall be entitled to the following days as holidays:

- (1) New Year's Day;
Labor Day
- (2) Martin Luther King Day (third Monday of January);
- (3) Presidents Day (third Monday of February);
- (4) Good Friday;
- (5) Primary Election Day in years with state or municipal elections;

- (6) Memorial Day;
- (7) Independence Day;
- (8) Labor Day;
- (9) General Election Day in years with state or municipal elections;
- (10) Thanksgiving Day;
- (11) Friday after Thanksgiving; and
- (12) Christmas Day.

Primary Election Day and

General Election Day in years with state or municipal elections

~~(2) Pay for unworked holidays. Sworn m~~Members of the administration non-suppression division shall receive their regular rate of pay for holidays on which they are not required to work.

~~(3) Additional pay for working on a holiday. If a sworn member of the administration division is~~ Members who are required to work for eight (8) hours or more on one (1) of the designated holidays listed in subsection (b)(1) above, then that member a holiday shall receive the additional pay for that holiday at the rates listed in subsection (a)(1) at the rates set forth for members of the suppression division in the collective bargaining agreement between the city and the Indianapolis Metropolitan Professional Fire Fighters, Local 416. If a sworn member of the administration division is Members who are required to work less than eight (8) hours on one (1) of the holidays listed in subsection (b)(1) above, then that member a holiday shall receive a portion of the additional holiday pay commensurate with the portion of the day worked, but not less than one-half (1/2) of the holiday pay.

Sec. 252-302. Annual leave.

(a) *Suppression division.*

- (1) ~~Effective January 1, 2003, each active member of the Indianapolis Fire Department assigned to the suppression division shall receive not less than ninety-six (96) hours annual leave with full salary each and every fiscal year. Provided, that any such member who shall have served five (5) continuous years but less than seven (7) continuous years on such department shall receive not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served seven (7) continuous years but less than fifteen (15) continuous years on such department shall receive not less than one hundred forty-four (144) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served fifteen (15) continuous years but less than twenty (20) continuous years on such department shall receive not less than two hundred sixteen (216) hours annual leave each and every fiscal year. Provided further that any such member who shall serve for twenty (20) or more continuous years shall receive not less than two hundred forty (240) hours annual leave each and every fiscal year.~~
- (2) ~~Effective January 1, 2004, each active member of the Indianapolis Fire Department assigned to the suppression division shall receive not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that any such member who shall have served five (5) continuous years but less than seven (7) continuous years on such department shall receive not less than one hundred forty-four (144) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served seven (7) continuous years but less than fifteen (15) continuous years on such department shall receive not less than one hundred sixty-eight (168) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served fifteen (15) continuous years but less than twenty (20) continuous years on such department shall receive not less than two~~

~~hundred sixteen (216) hours annual leave each and every fiscal year. Provided further that any such member who shall serve for twenty (20) or more continuous years shall receive not less than two hundred forty (240) hours annual leave each and every fiscal year.~~

~~(31) Effective January 1, 2006, e~~Each active member of the Indianapolis Ffire Ddepartment assigned to the suppression division shall receive not less than one hundred and forty-four (144) hours annual leave with full salary each and every fiscal year. Provided, that any such member who shall have served five (5) continuous years but less than seven (7) continuous years on such department shall receive not less than one hundred and sixty-eight (168) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served seven (7) continuous years but less than fifteen (15) continuous years on such department shall receive not less than one hundred and ninety-two (192) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served fifteen (15) continuous years but less than twenty (20) continuous years on such department shall receive not less than two hundred and sixteen (216) hours annual leave each and every fiscal year. Provided further that any such member who shall serve for twenty (20) or more continuous years shall receive not less than two hundred and forty (240) hours annual leave each and every fiscal year.

~~(42) Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of three hundred and twelve (312) hours of earned annual leave may be carried over from one (1) calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his or her discretion in order to maintain the efficiency of the operation of the fire department. Members who are unable to take sufficient annual leave to keep their maximum carry-over amount below three hundred and twelve (312) hours due to extenuating circumstances (including, but not limited to, extended military leave, family medical leave, on-duty injury leave, or other administrative or legal constraints) may be allowed, with the approval of the chief or director, to carry over the additional adjusted accrued hours until such hours can be efficiently scheduled upon the member's return to regularly assigned duties.~~

~~(3) Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.~~

~~(b) Non-suppression division.~~

~~(1) Effective October 1, 1996, each active member of the Indianapolis Ffire Ddepartment assigned to the non-suppression division and hired on or before December 31, 1984, shall receive hereafter not less than one hundred and twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any member hired on or before December 31, 1984, who shall have served from ten (10) years to twenty (20) years on such department shall receive not less than one hundred and sixty (160) hours annual leave with full salary each and every fiscal year. Provided further that any such member hired on or before December 31, 1984, who shall serve for more than twenty (20) years shall be entitled to forty (40) additional hours to be added to his or her regular annual leave. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of two hundred and forty (240) hours of earned annual leave may be carried over from one (1) calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his or her discretion in order to maintain the efficiency of the operation of the fire department.~~

~~(2) Each active member of the Indianapolis Fire Ddepartment assigned to the non-suppression division and hired after December 31, 1984, shall receive hereafter not less than eighty (80) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any such member hired after December 31, 1984, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on such department shall receive not less than one~~

hundred and twenty (120) hours annual leave with full salary each and every fiscal year. Provided further that any such member hired after December 31, 1984, who shall have served fifteen (15) or more continuous years on such department shall receive not less than one hundred sixty (160) hours annual leave and that any such member who shall have served twenty (20) or more continuous years on such department shall receive not less than two hundred (200) hours annual leave with full salary every fiscal year. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief ~~of the fire department~~, up to a maximum of three hundred and twelve (312) hours of earned annual leave may be carried over from one (1) calendar year to the next calendar year, provided the chief ~~of the fire department~~ retains the right to schedule such carryover annual leave at his or her discretion in order to maintain the efficiency of the operation of the ~~fire~~ department. Members who are unable to take sufficient annual leave to keep their maximum carry-over amount below three hundred and twelve (312) hours due to extenuating circumstances (including, but not limited to, extended military leave, family medical leave, on-duty injury leave, or other administrative or legal constraints) may be allowed, with the approval of the chief or director, to carry over the additional adjusted accrued hours until such hours can be efficiently scheduled upon the member's return to regularly assigned duties.

- (3) Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.

(c) *How leave shall be taken.* Annual leave taken pursuant to this section shall be taken in increments of not less than one (1) duty day, unless approved by the chief or his or her designee. For purposes of this section, "Duty day" shall mean duty day means twenty-four (24) hours for members of the department assigned to the suppression division, and eight (8) hours for all other members of the department.

(d) *Conversion of annual leave.* When a firefighter is transferred from one (1) division to another, the number of hours of annual leave that he/she has accrued shall be converted so he/she retains, as nearly as possible, the same calendar period of time off.

(e) *On-duty injury.* ~~In the case of an on-duty injury where a firefighter is precluded from using unearned annual leave hours in that calendar year, all unearned and unused annual leave shall be carried over from one (1) calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the fire department.~~